

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BRUCE BIRCH,

Petitioner,

vs

DWIGHT NEVEN, et al.,

Respondents.

2:11-cv-00516 GMN-LRL

ORDER

The Court previously appointed the Federal Public Defender to represent the petitioner (ECF No. 14)

The Federal Public Defender (herein “FPD”) has identified a conflict of interest with the petitioner, and has indicated to the Court their inability to further represent the petitioner. The Court’s Criminal Justice Act Designee has, however, located counsel, Glynn Cartledge, who is willing to be appointed to represent the petitioner herein.

IT IS THEREFORE ORDERED that the FPD is relieved as counsel for petitioner.

IT IS FURTHER ORDERED that Glynn Cartledge, Esq., is hereby **APPOINTED** to represent the petitioner herein. Glynn Cartledge, is a Criminal Justice Act panel attorney for the United States District Court, District of Nevada. Glynn Cartledge shall represent petitioner in all future proceedings in this court relating to this matter (including subsequent action) and appeals

therefrom, pursuant to 18, U.S.C. Section 3006A (a)(2)(B), until allowed to withdraw.

IT IS FURTHER ORDERED that counsel for petitioner shall meet with petitioner as soon as reasonably possible to : (a) review the procedures applicable in cases under 28 U.S.C. Section 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and © advise petitioner that all possible grounds for habeas corpus relief must be raised at this time and that the failure to do so will likely result in the ommitted grounds being barred from future review under the rules regarding abuse of writ.

IT IS FURTHER ORDERED that counsel for petitioner and counsel for respondents shall within forty-five (45) days file a joint statement describing what portions of petitioner's state court record have been obtained and what portions are missing. Counsel for respondents should make available to counsel for petitioner (photocopying costs at the latter's expense), as soon as reasonably possible, a copy of whatever portions of the state court record they possess regarding the judgement petitioner is challenging herein.

IT IS FURTHER ORDERED that counsel for petitioner shall file an amended petition for writ of habeas corpus within ninety (90) days, which shall include all known grounds for relief (both exhausted and unexhausted). Respondent shall have thirty (30) days after the filing of the amended petition within which to answer, or otherwise respond to, the amended petition.

Dated this 7th day of June, 2011.

Nunc Pro Tunc Appointment Date: June 3, 2011.



Gloria M. Navarro
United States District Judge